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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,530	08/01/2001	Frederic Louart	BIF103835	4810

466 7590 08/12/2003

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EXAMINER

RHEE, JANE J

ART UNIT	PAPER NUMBER
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1772

15

DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-13

Office Action Summary**Application No.**

09/890,530

Applicant(s)

LOUART ET AL.

Examiner

Jane J Rhee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 47-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 47-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/30/03 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 47 and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Weil. (5617900).

Weil discloses a thermal protection sheath comprising a tubular substrate that has an exterior surface with a plurality of recesses therein (figure 2 number 40), the substrate being longitudinally and radially elastically deformable between a relaxed configuration and an expanded configuration in which a length and a radius of the substrate are larger than its relaxed configuration (col. 2 lines 63-65) and a reflective foil

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fixed to the substrate (figure 2 numbers 20 and 30), wherein the foil contacts an outside surface of the substrate only intermittently so as to form air pockets (abstract lines 14-18, figure 3), the reflective foil being arranged on the substrate to have a plurality of indentations that correspond to the plurality of recesses when the substrate is in the relaxed configuration and that disappear when the substrate is elastically deformed to permit the substrate to assume the expanded configuration (col. 2 lines 63-65). Weil discloses that the substrate comprises a woven material (col. 2 line 56) and the recesses are between threads of the woven material (figure 2 number 20).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weil in view of Rockney et al. (5660899).

Weil discloses the thermal protection sheath described above. Weil fail to disclose that the substrate comprises a corrugated tube and the recesses are annular depressions in the exterior surface, and wherein the air pockets are in the annular depressions between the foil and the corrugated tube. Rockney teaches corrugated tube with recesses that are annular depression in the exterior surface for the purpose of providing superior flexibility in order to unobtrusively follow bends and curves in the line or other component protected by the tubing (col. 1 lines 40-43, 65-66).

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Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Weil with a corrugated tube that comprises recesses that are annular depression in the exterior surface for the purpose of providing superior flexibility in order to unobtrusively follow bends and curves in the line or other component protected by the tubing (col. 1 lines 40-43, 65-66) as taught by Rockney.

As to the air pockets that are in the annular depressions between the foil and the corrugated tube, Weil discloses air pockets between the foil layer and the substrate layer for the purpose of providing reflective thermal protection (col. 3 lines 32-35). Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to form air pockets in the annular depression between the foil and the corrugated tube in order to provide reflective thermal protection as taught by Weil (col. 3 lines 32-35).

Response to Arguments

4. Applicant's arguments filed 6/30/03 have been fully considered but they are not persuasive.

In response to applicant's argument that the sheath shown in Weil cannot be elastically deformed to an expanded configuration because the foil cannot expand any further, Weil discloses that the sheath can elastically deform to an expanded configuration (col. 2 lines 63-65) and that the foil does not hinder the expansion (col. 3 lines 34-35).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane J Rhee whose telephone number is 703-605-4959. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Jane Rhee
August 4, 2003



HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

8/8/03